

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Verderia Stockman,)
Plaintiff,)
v.) C/A No. 0:20-cv-02660-MGL-PJG
Express Scripts, Inc.,)
Defendant.)

)

NOTICE OF REMOVAL

Defendant Express Scripts Pharmacy, Inc. (“Defendant”)¹ files this Notice of Removal in the above-captioned action pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal, Defendant respectfully asserts the following:

1. Plaintiff filed her Summons and Complaint in the Court of Pleas for the State of South Carolina, York County, Civil Action No. 2020-CP-46-01828, on June 10, 2020. A copy of the Summons and Complaint is attached as Exhibit A. Defendant has not been served with any other process, pleadings, or orders.
2. Defendant was served a copy of the Summons and Complaint on June 18, 2020. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) and Rule 6(a)(1)(C), FRCP.
3. The United States District Court for the District of South Carolina, Rock Hill Division, is the federal judicial district embracing the York County Court of Common Pleas, where this action was originally filed. Thus, venue is proper in this Court under 28 U.S.C. § 1441(a).

¹ Defendant is improperly identified as Express Scripts, Inc. The proper identification is Express Scripts Pharmacy, Inc.

4. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing Notice of Removal with the Clerk of Court for the York County Court of Common Pleas and serving Plaintiff with a copy of this Notice of Removal and a copy of the Notice of Filing Notice of Removal.

5. As explained below, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question). Therefore, this action may be removed to this Court under 28 U.S.C. § 1441(a).

FEDERAL QUESTION JURISDICTION

6. Plaintiff's Complaint alleges violations of the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.* ("ADA") (*see* Compl. ¶¶ 54-86) and Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e, *et seq.* (*see* Compl. ¶¶ 83-86).

7. Therefore, the case as set forth above, Civil Action No. 2020-CP-46-01828, Court of Common Pleas for the State of South Carolina, York County, in the Sixteenth Judicial Circuit, could have originally been brought before this Court pursuant to 28 U.S.C. § 1331 and removal to this Court is appropriate.

LOCAL CIVIL RULE REQUIREMENTS

8. Defendant has complied with the requirements of 83.IV.01 of the Local Civil Rules of the United States District Court for the District of South Carolina.

WHEREFORE, Defendant hereby removes this action from the Court of Common Pleas for the State of South Carolina, York County, to the United States District Court for the District of South Carolina, Rock Hill Division.

[SIGNATURE PAGE TO FOLLOW]

Dated this 17th day of July 2020.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/D. Michael Henthorne
D. Michael Henthorne (Fed ID No. 06386)

First Base Building
2142 Boyce Street, Suite 401
Columbia, SC 29201
803.252.1300 (Telephone)
803.254.6517 (Facsimile)
michael.henthorne@ogletree.com

s/Michelle McMahon
Michelle McMahon (Fed ID No. 11589)

211 King Street, Suite 200
Charleston, SC 29401
843.853.1300 (telephone)
843.853.9992 (facsimile)
michelle.mcmahon@ogletree.com

ATTORNEYS FOR DEFENDANT